



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

October 3, 2018

Regular Meeting

6:30 p.m.

City Council Chambers

200 East Santa Clara Street

San José, CA 95113

Commission Members

Edward Saum, Chair

Vacant, Vice Chair

Harriett Arnold

Paul Boehm

Anthony Raynsford

Stephen Polcyn

Rachael Royer

Eric Hirst

Rosalynn Hughey, Director

Department of Planning, Building & Code Enforcement

Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Support Staff at 408-535-7868 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for public hearings is as follows:

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- *The Historic Landmarks Commission will take action on the item.*

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- *The Historic Landmarks Commission will comment on the referral item.*

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the table for your convenience. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA

ORDER OF BUSINESS

ROLL CALL

Commissioners Saum, Arnold, Boehm, Raynsford, Polcyn, Royer and Hirst were present.

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. The proposed project is on a 1.52 gross acre site located on the northwest corner of the intersection of North 2nd Street and St. James Street. (252 North First Street Development LLC, Owner). Council District: 3. CEQA: Addendum to the Final Supplemental Environmental Impact Report for the Park View Towers Project, Envision San Jose 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto.

HA14-009-02. Site Development Permit Amendment to increase the number of units by one for a total of 221 residential units, increase the height of the North Tower building by 3.5 inches to a total height of 204.5 feet, increase the amount of commercial area to a total of 25,607 square feet, modify the architecture of the proposed buildings, and to modify the site plan to maintain the existing location of the First Church of Christ the Scientist, and allow Saturday construction hours from 8:00 a.m. to 5:00 p.m. and up to six occurrences of 24-hour construction staging and concrete pouring. .

HPA14-002-02. Historic Preservation Permit Amendment to allow the rehabilitation of the First Church of Christ the Scientist building, amend the previous permit to maintain the existing location of the church building, allow the removal and replacement of the existing organ room and exterior modifications and structural upgrades to facilitate occupancy, as well as construction within the St. James Historic District consistent with Site Development Permit File No. HA14-009-02.

PROJECT MANAGER, EMILY LIPOMA

Recommendation: Defer to November 7, 2018 Historic Landmarks Commission.

The Commission voted to defer this project to the November 7, 2018, HLC meeting. (7-0-0)

2. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

No Items

3. PUBLIC HEARINGS

- a. [H17-062 & HP18-002.](#) Site Development Permit and Historic Preservation Permit to allow the demolition of non-historic patios and stairways and construction of a new commercial building on the corner of North Almaden Street and West Santa Clara Street immediately adjacent and attached to the Lyndon Building, a designated City Landmark. The new construction would consist of 3,459 square feet of ground floor commercial/restaurant space and 1,920 square feet of second floor office space. Work also includes rehabilitation of the Lyndon Building. The 0.11 gross acre project site is located at 169 W. Santa Clara Street. CEQA document: Addendum to the Downtown Strategy 2000 Environmental Impact Report (Resolution No. 72767), and addenda thereto.

PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

Recommendation: Review project plans and CEQA document, receive public comments, and recommend that the Planning Director approve HP18-002 with conditions of approval.

Commissioner Royer recused herself because she works for a company associated with the applicant.

Cassandra Van Der Zweep, Project Manager, presented the staff report which included responses to a letter from McManis Faulkner on behalf of a tenant, Britannia Arms, to protest the approval of the project. Other staff members contributed as follows: Reema Mahamood, Planner with Environmental Review, responded to comments related to CEQA, and Juliet Arroyo, Historic Preservation Officer, responded to comments related to the impact on historic resources.

The staff report was followed by a presentation by the applicant's representative, Ken Rodrigues with Ken Rodrigues Partners, architect for the project. Tom McEnery, owner/applicant of the project also spoke.

The meeting was opened for public comment.

Brian Grayson, Preservation Action Council of San José (PAC SJ) spoke in favor of the project. The PAC SJ Board have reviewed this project and feel that it would be an improvement over the existing condition. The PAC SJ Board is supportive of this proposal and restoration of the Lyndon Building.

There were no other speakers from the public.

The Commission asked questions of the applicant and closed the public hearing.

The comments from the Commissioners were as follows:

- Compatibility of the project with the rest of the block
- Interest in seeing other iterations of the rounded corner with perhaps a squared off roof
- Compatibility with other buildings in the area
- Corner entrance contrasts with the formal entrances of the other buildings in the block
- The modern feel of the project replicates the design lines of the Lyndon Building and the rest of the block
- Materials are not compatible with the Lyndon Building era and the rest of the block
- The exposed steel frame design is too aggressive fronting the sidewalk
- The rounded corner is not uncommon in that era, but was differently constructed with a defined entrance

The Commission voted for a continuance to the November meeting to allow the applicant to further study materials and alternative forms for the rounded corner. (6-0-1)

- b. [SP18-033](#). Special Use Permit to allow relocation, rehabilitation, and adaptive reuse of the Graves House with six studio units, the demolition of an accessory building, and construction of a new 44-unit residential project at the rear of the site. The new construction would consist of a 28,629 square foot, 4-story residential building with underground parking. The 0.54 gross acre site project site is located at 4146 Mitzi Drive. The Graves House was found to be eligible for the Historic Resources Inventory.

PROJECT MANAGER, STEFANIE FARMER

Recommendation: Review and provide recommendations for information to be included in the historic report and project analysis.

Commissioner Royer rejoined the Commission.

Stefanie Farmer, Project Manager, gave the staff presentation.

Kurt Anderson, architect, gave a presentation on behalf of the applicant.

The meeting was opened for public comment.

Brian Grayson, PAC SJ, spoke in favor of the project. He acknowledged that PAC SJ Board has not yet reviewed the details of the project. He stated that it would be great to restore the house and place it on the inventory and maybe landmarked. In general, he stated that he thought PAC SJ would be supportive of this project because it is the only resource in District 1. The house needs work but has good bones.

There were no other speakers from the public.

The Commission asked questions of the applicant and closed the public hearing.

The comments from the Commissioners were as follows:

- Provide an inventory of the trees and whether they have any historic relationship to the property
- Use of existing materials (redwood gutters)
- Potential landmark when rehabilitation is complete
- Context of the apartment building and the historic house don't seem to fit
- Relationship between the historic house and the project apartment building
- Provide a plaque and signage when rehabilitation is complete (similar to what was done for Donner Lofts)

4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

5. OPEN FORUM

Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to: (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Sachin Radhakrishnan, representing the Vice Mayor's Office/District 5: requested that the Commission to consider whether anything can be done to preserve murals in the City.

Dr. Ames, representing himself gave an update on the Willow Glen Trestle Bridge lawsuit. The Courts ruled on the 2014 MND and the permit to tear down the bridge can be issued as soon as tomorrow. The opposition has filed for a temporary restraining order against the City which will be heard tomorrow at the Superior Court. The bridge demolition is near. There are funding deadlines. Dr. Ames presented his design option for keeping the Trestle and building the new bridge.

Harvey Darnell, representing himself: The Greater Gardner area survey is taking too long, many of the historic homes are being changed without any consideration for historic rehabilitation, and the character of the neighborhood is changing. He requested that the topic be considered for a future meeting. He provided an example of an inappropriate alteration.

Brian Grayson, PAC SJ: PAC SJ is interested in preserving murals in the City. History San José will be having a tour of the Fallon House and a talk by Tom McEnery on October 29, 2018, details are on the PAC SJ website. Brian announced that he will be retiring from the PAC SJ Board at the end of January.

6. GOOD AND WELFARE

a. Report from Secretary, Planning Commission, and City Council

- i. Past Agenda Items: No items.
- ii. Future Potential Agenda Items: City Landmark Applications, Hotel Clariana (H17-059 & HP17-007).

Discussion of murals, the Greater Gardner historic homes survey, City Landmarks applications, the Design Review Committee, and Parkview Towers project will be added to the November meeting agenda.

- iii. Summary of communications received by the Historic Landmarks Commission.
- iv. Request for Letters of Interest. Future Election of Chair and Vice Chair of the Historic Landmarks Commission.

Staff announced acceptance of letters of interest in the positions of chair and vice-chair to the Commission. Nominations can also be made from the floor.

- v. [Historic Landmarks Commission Retreat \(October 12, 2018\).](#)
- vi. Gardner and North Willow Glen Proposed Conservation Areas Update
- vii. San Jose Historic Signs
- viii. Project Updates: Pellier Park, Cambrian Park Plaza Project (PDC17-040)

Staff update on Pellier Park: PRNS started the Master Plan development process. The First Community Meeting was held on September 17, and initial concepts based on the comments received will be presented on December 13th in two options for consideration. PRNS expects to complete implementation of the Master Plan by 2021. A portion of the park will retain its historic status and any changes to that portion of the park would require an historic preservation permit which would be brought to the Commission for a recommendation of approval.

Staff update on Cambrian Park Plaza Project: This is a mixed-use signature project that is currently undergoing CEQA review. The Draft EIR is expected to be released around January/February 2019.

b. Report from Committees

- i. Design Review Subcommittee meeting held on Sept 19, 2018

DRC members summarized the review of a side yard addition to a former home on The Alameda, now being used as offices. There were issues regarding the pitch of the gable which didn't quite match with the other gables; materials, size of fenestrations; and a nod to meeting the Secretary of the Interior's Standards, particularly No. 9.

Commissioners asked to place DRC meetings and membership for the next meeting, to consider whether changing the DRC meeting would encourage more members to attend regularly.

- c. **Approval of Action Minutes**
 - i. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [September 5, 2018](#)
Minutes were approved. (7-0-0)
- d. **Status of Circulating Environmental Documents**
<http://www.sanjoseca.gov/index.aspx?NID=4936>. Downtown Strategy 2040 Draft EIR public review circulation period September 7, 2018 to October 22, 2018.

ADJOURNMENT

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.